Exhibit D

From:	O"Laughlin, Andy
To:	Taylor, Dustin; Burrell, Robin C.; Mehta, Sonal; Holtzblatt, Ari; Tillotson, Nancy; Mortimer, Ann Marie; Kim, Jason J.; Nelson, Jeff; Schultz, Allison
Cc:	Telscher, Rudy; Fussner, Kara; Hitchens, A. Lauren
Subject:	RE: Follow up from August 13 Meet and Confer
Date:	Friday, August 20, 2021 11:53:29 PM

Hello Dustin,

Robin will be out next week so I am jumping in here.

Facebook is obviously at an informational disadvantage. Only BrandTotal knows the full extent of its code and the various ways in which it functions—as you note there are at least 550 versions of the extension and application code alone. We do not read your response to be taking the position that the server-side and data processing code referenced in the Dor deposition is not relevant—clearly it is. Instead, you seem to be suggesting that we have not asked for it. We have. The parties have been discussing source code collection for months now.

In addition to RFP No. 20 (All Technology Your Products use or used for the purpose of accessing and communicating with Facebook Computers), the code we are asking for is responsive to RFP No. 11 (Documents sufficient to show Your past or current Products, including apps or extensions that access or have accessed data from Facebook or Instagram and, for each, the categories and scope of data collected from Facebook and Instagram and how it is analyzed and ingested to provide Products or services to Your Customers), and RFP No. 25 (All Documents relating to the nature, size, and methods You use or used to store data or information You obtained from Facebook Computers using Your Technology).

We have asked for a date certain because we are now 10 months into discovery and cannot continue to wait on this issue any longer. As you note, the code is voluminous. Facebook will need time to analyze it, and that analysis will inform additional discovery. Your response below acknowledges this. Clearly then, it is imperative that we get the code as soon as possible so that we have time to analyze it and make additional requests before the close of fact discovery.

We appreciate your representations that you are working diligently but we cannot continue to go around and around on this without a clear timetable. If you cannot provide a date certain today, then please be prepared to do so on Monday.

On the sampling question, we would like to have a discussion in order to get a better understanding of your proposed approach and how to ensure that the samples will be representative.

We appreciate the progress and commitments BrandTotal has made on source code production over this last week and are hopeful that we can resolve these remaining issues. To that end, we think it does make sense to have a lead counsel meet and confer on Monday to try to resolve these remaining issues. If you could circulate an invite, we would appreciate it.

Thank you for your attention to this. We look froward to discussing further. Should we be unable to reach a final resolution on Monday, we will go to the court.

1

Best,

Andy

Andy O'Laughlin
WilmerHale | 617.526.6220

From: Taylor, Dustin <Dustin.Taylor@huschblackwell.com>
Sent: Friday, August 20, 2021 7:40 PM
To: Burrell, Robin C. <Robin.Burrell@wilmerhale.com>; Mehta, Sonal
<Sonal.Mehta@wilmerhale.com>; Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>; O'Laughlin,
Andy <Andy.OLaughlin@wilmerhale.com>; Tillotson, Nancy <Nancy.Tillotson@wilmerhale.com>;
Mortimer, Ann Marie <amortimer@hunton.com>; Kim, Jason J. <Kimj@hunton.com>; Nelson, Jeff
<JNelson@hunton.com>; Schultz, Allison <Allison.Schultz@wilmerhale.com>
Cc: Telscher, Rudy <Rudy.Telscher@huschblackwell.com>; Fussner, Kara
<Kara.Fussner@huschblackwell.com>; Hitchens, A. Lauren <Lauren.Hitchens@huschblackwell.com>
Subject: RE: Follow up from August 13 Meet and Confer

EXTERNAL SENDER

Robin,

Please identify what Request For Production covers the "end to end" code, including the code that
"covers everything from the moment data is collected through the way that BrandTotal processes
and uses that data." As of now, we will only agree to produce the code for the applications and
extensions and the BrandTotal backend.

After the parties meet and confer last Friday, August 13, we began working to collect code for the
more than 550 versions of extension and application code. We also began investigating how many
versions of code exist for the BrandTotal backend and how to begin collecting those versions and
preparing them for production. We cannot let you know "by today a date certain by which you will
produce" all of this code. If you feel a need to take this issue to the Court despite our promise that
we will produce it and our representation that we are working diligently to do so, then please do so.

Finally, regarding the examples of data that was collected, we do not know whether the fields
collected ever changed over time. A full review of the code across all times would be required to
confirm this with certainty. Indeed, this was Facebook's stated reasoning for needing all of the
collection code. After Facebook has had an opportunity to review the collection code, we will
consider additional requests for specific time periods of representative collections. The samples
would be spread across the duration of when code was collected.

If Facebook still feels there is a need to meet and confer with lead counsel, Rudy is available at 11:00
AM CST on Monday, August 23.

Sincerely,

Dustin L. Taylor
Senior Associate Attorney

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From: Burrell, Robin C. <Robin.Burrell@wilmerhale.com>
Sent: Friday, August 20, 2021 2:31 PM
To: Taylor, Dustin <Dustin.Taylor@huschblackwell.com>; Mehta, Sonal
<Sonal.Mehta@wilmerhale.com>; Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>; O'Laughlin,
Andy <Andy.OLaughlin@wilmerhale.com>; Tillotson, Nancy <Nancy.Tillotson@wilmerhale.com>;
Mortimer, Ann Marie <amortimer@hunton.com>; Kim, Jason J. <Kimj@hunton.com>; Nelson, Jeff
<JNelson@hunton.com>; Schultz, Allison <Allison.Schultz@wilmerhale.com>
Cc: Telscher, Rudy <Rudy.Telscher@huschblackwell.com>; Fussner, Kara
<Kara.Fussner@huschblackwell.com>; Hitchens, A. Lauren <Lauren.Hitchens@huschblackwell.com>
Subject: RE: Follow up from August 13 Meet and Confer

[EXTERNAL EMAIL]

Dustin,

During the meet and confer, we asked for the code that covers everything from the collection of the
data all the way through the way that BrandTotal processes and uses the data collected through its
applications and extensions. You ask us to "identify any specific program or operation for which we
are requesting code." It is impossible for Facebook to know each category of code that exists for
processing, storing, and utilizing data—that is information that presumably only BrandTotal currently
has. In an effort to facilitate our discussion, we can give a few concrete examples based on the
testimony of Mr. Dor: there is likely code that transmits the data to the server and deidentifies
some of that information, *see* Jan. 13, 2021 Transcript of Orden Dor at 127:10-15, code that splits
the data into different "buckets", *see id*. at 35:3-10, code that tracks rewards for the UpVoice
extension, *see id.* at 184:12-185:5, code that splits identifiable from non-identifiable information, *see
id.* at 187:5-13, and code that aggregates or digests data to provide to customers, *see e.g.*, *id.* at
193:12-194:3. Again, we are requesting "end-to-end code" that covers everything from the moment
data is collected through the way that BrandTotal processes and uses that data. Please confirm
today whether BrandTotal is agreeing to produce that information so that we can raise it with the
Court if necessary.

Please also let us know today a date certain by which you will produce the collection code and back-

end code, as you have used those terms below. We need your confirmation that we will get production promptly or, if not, confirm there is a dispute here that we need to raise with the Court.

Thank you for the confirmation on the information collected by FBDown, Photomania, and Social Video Downloader. We understand that the first group includes those three programs, and UpVoice, AdsFeed, and Who Is Following Me. You say that "[o]ther than the platform (e.g., Mobile, Desktop), there is no difference in how the data is collected per user." For the sake of clarity, could you confirm that fields collected are the same for each user? While we consider your offer to provide a sample of 500 users for each group, could you please give us (1) your proposal for guaranteeing the representativeness of the samples (e.g., a declaration) and (2) the timeframe over which you are proposing collecting the samples. Please also let us know when Rudy is available for a lead counsel meet and confer on these issues. We remain hopeful that the parties can find a resolution here, but cannot continue to defer this issue.

Best,
Robin

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Please consider the environment before printing this email.

From: Taylor, Dustin <Dustin.Taylor@huschblackwell.com>
Sent: Thursday, August 19, 2021 7:48 PM
To: Burrell, Robin C. <Robin.Burrell@wilmerhale.com>; Mehta, Sonal <Sonal.Mehta@wilmerhale.com>; Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>; O'Laughlin, Andy <Andy.OLaughlin@wilmerhale.com>; Tillotson, Nancy <Nancy.Tillotson@wilmerhale.com>; Mortimer, Ann Marie <amortimer@hunton.com>; Kim, Jason J. <Kimj@hunton.com>; Nelson, Jeff <JNelson@hunton.com>; Schultz, Allison <Allison.Schultz@wilmerhale.com>
Cc: Telscher, Rudy <Rudy.Telscher@huschblackwell.com>; Fussner, Kara <Kara.Fussner@huschblackwell.com>; Hitchens, A. Lauren <Lauren.Hitchens@huschblackwell.com>
Subject: RE: Follow up from August 13 Meet and Confer

Robin,

We are working with our client to understand and respond to your request for the "end to end" code. As we mentioned during the parties' meet and confer last Friday, we originally understood Facebook's request to be for the collection code for the applications and extensions. We had provided a list of all the versions of that code so that Facebook could select representative samples and, with that background, met last Friday to discuss the source code production. During that time, Facebook also requested the "end to end" code, which Facebook claimed included the "back end." (The reference to the "back end" is actually from Mr. Dor's sworn testimony and refers to the code used to collected specific snapshots of the specific creative ID or specific advertiser Facebook pages from time to time. *See* 2021-03-10 O. Dor. Dep. Tr., 57:2-10.) On Tuesday, we agreed to produce that backend code. In response, Facebook also requested the "server-side source code that shows how BrandTotal processes, uses, and stores the data that is collected." We do not understand the scope of the request in your e-mail. Can you identify any specific program or operation for which you are requesting code? Regardless, we do not agree that this code is within the scope of any Request For Production you have served to date.

Regarding the samples of information collected from users, we have confirmed that information collected via FBDown, Photomania, and Social Video Downloader is within the first group (along with UpVoice). The samples are time based wherein each sample is one hour collection of events by a specific user. Other than the platform (e.g., Mobile, Desktop), there is no difference in how the data is collected per user.

Sincerely,

Dustin L. Taylor
Senior Associate Attorney

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From: Burrell, Robin C. <Robin.Burrell@wilmerhale.com>
Sent: Thursday, August 19, 2021 11:59 AM
To: Taylor, Dustin <Dustin.Taylor@huschblackwell.com>; Mehta, Sonal <Sonal.Mehta@wilmerhale.com>; Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>; O'Laughlin, Andy <Andy.OLaughlin@wilmerhale.com>; Tillotson, Nancy <Nancy.Tillotson@wilmerhale.com>;

Mortimer, Ann Marie <amortimer@hunton.com>; Kim, Jason J. <Kimj@hunton.com>; Nelson, Jeff <JNelson@hunton.com>; Schultz, Allison <Allison.Schultz@wilmerhale.com>
Cc: Telscher, Rudy <Rudy.Telscher@huschblackwell.com>; Fussner, Kara <Kara.Fussner@huschblackwell.com>; Hitchens, A. Lauren <Lauren.Hitchens@huschblackwell.com>
Subject: RE: Follow up from August 13 Meet and Confer

[EXTERNAL EMAIL]

Dustin,

Can you please provide confirmation on the scope of the backend code so we can determine the extent to which there is a dispute that remains to be resolved.

We are also awaiting a response regarding sampling of data. During our meet and confer on Friday, you committed to provide a response by Tuesday (8/17). When should we expect that response?

Best,
Robin

From: Burrell, Robin C.
Sent: Wednesday, August 18, 2021 11:05 AM
To: 'Taylor, Dustin' <Dustin.Taylor@huschblackwell.com>; Mehta, Sonal <Sonal.Mehta@wilmerhale.com>; Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>; O'Laughlin, Andy <Andy.OLaughlin@wilmerhale.com>; Tillotson, Nancy <Nancy.Tillotson@wilmerhale.com>; Mortimer, Ann Marie <amortimer@hunton.com>; Kim, Jason J. <Kimj@hunton.com>; Nelson, Jeff <JNelson@hunton.com>; Schultz, Allison <Allison.Schultz@wilmerhale.com>
Cc: Telscher, Rudy <Rudy.Telscher@huschblackwell.com>; Fussner, Kara <Kara.Fussner@huschblackwell.com>; Hitchens, A. Lauren <Lauren.Hitchens@huschblackwell.com>
Subject: RE: Follow up from August 13 Meet and Confer

Dustin,

We appreciate BrandTotal's agreement to produce all published versions of the collection code for its applications and extensions and the code for the its "backend," as you have described it. We disagree that what you've described covers the "end to end" code. As we explained last Friday, Facebook is also seeking the server-side source code that shows how BrandTotal processes, uses, and stores the data that is collected.   Please confirm that your client will also collect and produce that source code.

Second, please provide an update on the sampling of data. We understood that you were planning to confirm with your client what was included in each sample (i.e., is it a sample from one particular session?). We had also asked for clarity on whether the fields would be populated in the same way for different users or whether there were differences in how the data was collected for each user.

Best,

Robin

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From: Taylor, Dustin <Dustin.Taylor@huschblackwell.com>
Sent: Tuesday, August 17, 2021 8:17 PM
To: Mehta, Sonal <Sonal.Mehta@wilmerhale.com>; Holtzblatt, Ari <Ari.Holtzblatt@wilmerhale.com>; O'Laughlin, Andy <Andy.OLaughlin@wilmerhale.com>; Burrell, Robin C. <Robin.Burrell@wilmerhale.com>; Tillotson, Nancy <Nancy.Tillotson@wilmerhale.com>; Mortimer, Ann Marie <amortimer@hunton.com>; Kim, Jason J. <Kimj@hunton.com>; Nelson, Jeff <JNelson@hunton.com>
Cc: Telscher, Rudy <Rudy.Telscher@huschblackwell.com>; Fussner, Kara <Kara.Fussner@huschblackwell.com>; Hitchens, A. Lauren <Lauren.Hitchens@huschblackwell.com>
Subject: Follow up from August 13 Meet and Confer

EXTERNAL SENDER

Counsel,

I write as a follow up to the parties' Friday, August 13 meet and confer regarding BrandTotal's production of source code. Although BrandTotal disagrees that production of all versions of the collection code for its applications and extensions is appropriate or proportional to the needs of this matter, to avoid burdening the Court with this dispute, BrandTotal agrees that it will produce all published versions of the applications and extensions that are within its custody, possession, or control. This production will include all versions identified in our prior correspondence. BrandTotal further confirms that this code includes the collection code for FBDown, Photomania, and Social Video Downloader.

BrandTotal further agrees to produce its code for the BrandTotal "backend," which periodically polls brands of interests from non-password protected portions of the Facebook site using the

7

advertisement ID/URL provided by users. As discussed on the call, unlike the extension and application code, BrandTotal's back end code is highly sensitive business information belonging to BrandTotal and will be produced as such under the protective order. We are in the process of collecting this code and will make it available for inspection once it is collected. BrandTotal confirms that there is no additional code used to obtain Facebook information other than the above-mentioned code (i.e., this is "end to end").

We trust this resolves the parties dispute. Please confirm.

Sincerely,

Dustin L. Taylor
Senior Associate Attorney

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